

TOXIC SUBSTANCES CONTROL ACT (TSCA)

12-2-A. Administrative Enforcement: Issuance of Complaints
and Signing of Consent Agreements

1. AUTHORITY.

a. To file administrative complaints against alleged violators of the Toxic Substances Control Act (TSCA) for the purpose of proposing civil penalties as provided in TSCA;

b. To negotiate consent agreements memorializing settlements between the Agency and respondents; and

c. To sign consent agreements memorializing settlements between the Agency and respondents.

2. TO WHOM DELEGATED.

a. The authorities in 1.a., 1.b. and 1.c. are delegated to the Director, Land and Chemicals Division, (LCD); Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ); and the Associate Director, Office of Toxics and Pesticides, LCD.

b. The authorities in 1.a. and 1.b. are delegated to the Chief, Pesticides and Asbestos Programs Branch, LCD; the Chief, Toxics Programs Branch, LCD; and the Chief, Enforcement and Compliance Assistance Branch, OECEJ.

3. LIMITATIONS.

a. The delegates must consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee before exercising any of the above authorities. In addition, once the alleged violator files an answer or fails to file an answer in the specified time period, the Regional Counsel or his/her designee will conduct all negotiations.

b. The delegates must obtain the concurrence of the Regional Counsel or his/her designee prior to exercising these authorities.

c. The OECEJ delegates may exercise these authorities only in multi-media cases.

d. The OECEJ delegates must consult with the LCD delegates before exercising these authorities.

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4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. Section 15 and 16 of TSCA.

b. The Agency official who signs the complaint should sign the settlement agreement.

c. The Assistant Administrator for Enforcement and Compliance Assurance may exercise these authorities in multi-Regional cases or cases of national significance. In addition, the Assistant Administrator for Enforcement and Compliance Assurance must consult in advance with the Assistance Administrator for Prevention, Pesticides, and Toxic Substances or his/her designee and must notify any affected Regional Administrators or their designees when exercising any of the above authorities. In addition, once the alleged violator files an answer or fails to file an answer in the specified time period, the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee will conduct all negotiations.

d. The Assistant Administrator for Enforcement and Compliance Assurance and the Assistant Administrator for Prevention, Pesticides, and Toxic Substances may waive their respective consultation requirements by memorandum.

6. SUPERSESSION. Delegations Manual, TSCA, Regional Delegation 12-2-A. Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements, 1200 TN RIII-129, (November 9, 1998).

Date: 08/26/02

/s/
Donald S. Welsh
Regional Administrator